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The Magna Carta

"The democratic aspiration is no mere recent phase in human history . . . It was written in Magna Carta."

--Franklin Delano Roosevelt, 1941 Inaugural address

On June 15, 1215, in a field at Runnymede, King John affixed his seal to Magna Carta. Confronted by 40 rebellious barons, he consented to their demands in order to avert civil war. Just 10 weeks later, Pope Innocent III nullified the agreement, and England plunged into internal war.

Although Magna Carta failed to resolve the conflict between King John and his barons, it was reissued several times after his death. On display at the National Archives, courtesy of David M. Rubenstein, is one of four surviving originals of the 1297 Magna Carta. This version was entered into the official Statute Rolls of England.

Enduring Principles of Liberty

Magna Carta was written by a group of 13th-century barons to protect their rights and property against a tyrannical king. It is concerned with many practical matters and specific grievances relevant to the feudal system under which they lived. The interests of the common man were hardly apparent in the minds of the men who brokered the agreement. But there are two principles expressed in Magna Carta that resonate to this day:

"No freeman shall be taken, imprisoned, disseised, outlawed, banished, or in any way destroyed, nor will We proceed against or prosecute him, except by the lawful judgment of his peers or by the law of the land."

"To no one will We sell, to no one will We deny or delay, right or justice."

Inspiration for Americans

During the American Revolution, Magna Carta served to inspire and justify action in liberty's defense. The colonists believed they were entitled to the same rights as Englishmen, rights guaranteed in Magna Carta. They embedded those rights into the laws of their states and later into the Constitution and Bill of Rights.

The Fifth Amendment to the Constitution ("no person shall . . . be deprived of life, liberty, or property, without due process of law.") is a direct descendent of Magna Carta's guarantee of proceedings according to "Magna Carta." National Archives and Records Administration. National Archives and Records Administration, n.d. Web. 22 July 2015. <http://www.archives.gov/exhibits/featured_documents/magna_carta/>.o the "law of the land."

Magna Carta, 1297: Widely viewed as one of the most important legal documents in the history of democracy. [On display in the new David M. Rubenstein Gallery.](#) Presented courtesy of David M. Rubenstein.



House of Burgesses

In April, 1619, **GOVERNOR GEORGE YEARDLEY** arrived in Virginia from England and announced that the Virginia Company had voted to abolish martial law and create a legislative assembly. It became the House of Burgesses — the first legislative assembly in the American colonies. The first assembly met on July 30, 1619, in the church at Jamestown. Present were Governor Yeardley, Council, and 22 burgesses representing 11 plantations (or settlements). Burgesses were elected representatives. Only white men who owned a specific amount of property were eligible to vote for Burgesses.

KING JAMES I, a believer in the divine right of monarchs, attempted to dissolve the assembly, but the Virginians would have none of it. They continued to meet on a yearly basis to decide local matters.

Democracy in Practice

What is the importance of a small legislative body formed so long ago? The tradition established by the House of Burgesses was extremely important to colonial development. Each new English colony demanded its own legislature in turn.

Historians often ponder why the American Revolution was successful. The French, Russian, and Chinese Revolutions each ended with a rise to power of a leader more autocratic than the pre-revolutionary monarch.

Famous Burgesses

There have been hundreds of members of Virginia's House of Burgesses. Among the most famous are: **PEYTON RANDOLPH, WILLIAM BYRD, George Washington, Thomas Jefferson, JOHN PENDLETON, and Patrick Henry.**

But starting with the Virginia House of Burgesses, Americans had 157 years to practice democracy. By the time of the Declaration of Independence, they were quite good at it.

The Mayflower Compact

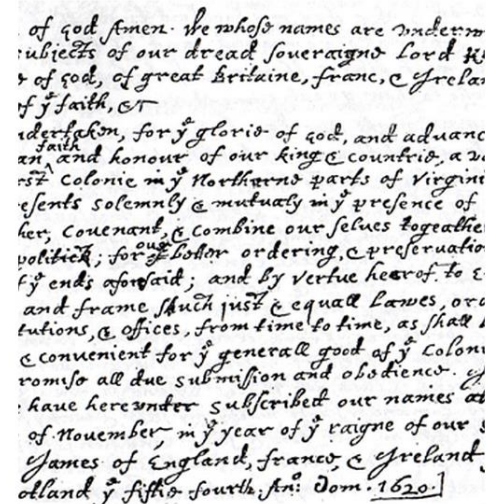
The "Mayflower Compact" was signed on 11 November 1620 onboard the *Mayflower* shortly after she came to anchor off Provincetown Harbor. The Pilgrims had obtained permission from English authorities to settle in Virginia, whose northern border at the time extended up to what is now New York. The Pilgrims had originally intended to settle near the mouth of the Hudson River, but due to dangerous shoals and a near shipwreck on their attempt to head south, they decided instead to plant themselves outside the bounds of the Virginia Company patent--which caused some "mutinous speeches" amongst some of the passengers. The Mayflower Compact was an attempt to establish a temporary, legally-binding form of self-government until such time as the Company could get formal permission from the Council of New England. This formal permission came in the form of the Pierce Patent of 1621.

The original Mayflower Compact has been lost, perhaps falling victim to Revolutionary War looting. The text was first published in London in 1622 in *A Relation or Journal of the Beginning and Proceeding of the English Plantation Settled at Plymouth in New England*. A copy of it is found in William Bradford's handwritten history, *Of Plymouth Plantation*, made about 1630. And Nathaniel Morton, secretary for Plymouth Colony, published it, along with the earliest known list of the signers, in his history, *New England's Memorial*, published in 1669. A list of signers is also found in Thomas Prince's 1736 book, *Chronological History of New England*; and Thomas Hutchinson published a list of signers in 1767 as well. It is uncertain if they had access to the original, or were basing their list of signers off Nathaniel Morton's.

The following is an image of the original handwritten page of Governor William Bradford's history *Of Plymouth Plantation*. This is followed by an exact, line-by-line transcription. Spelling and punctuation have not been modernized.

In ye name of God Amen. We whose names are vnderwritten, the loyall subjects of our dread soueraigne Lord King James by ye grace of God, of great Britaine, franc, & Ireland king, defender of ye faith, &c

Haueing vnderaken, for ye glorie of God, and aduancemente of ye christian ^faith and honour of our king & countrie, a voyage to plant ye first colonie in ye Northerne parts of Virginia. doe by these presents solemnly & mutually in ye presence of God, and one of another, couenant, & combine our selues together into a ciuill body politick; for ye our better ordering, & preservation & furtherance of ye ends aforesaid; and by vertue hearof, to enacte, constitute, and frame such just & equall lawes, ordinances, Acts, constitutions, & offices, from time to time, as shall be thought most meete & conuenient for ye generall good of ye colonie: vnto which we promise all due submission and obedience. In witness wherof we haue herevnder subscribed our names at Cap=Codd ye .11. of Nouember, in ye year of ye raigne of our soueraigne Lord king James of England, france, & Ireland ye eighteenth and of Scotland ye fiftie fourth. Ano: Dom .1620. |



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Signers

John Carver
William Bradford
Edward Winslow
William Brewster
Isaac Allerton
Myles Standish
John Alden
Samuel Fuller
Christopher Martin
William Mullins
William White
Richard Warren
John Howland
Stephen Hopkins

Edward Tilley
John Tilley
Francis Cooke
Thomas Rogers
Thomas Tinker
John Rigsdale
Edward Fuller
John Turner
Francis Eaton
James Chilton
John Crackstone
John Billington
Moses Fletcher
John Goodman

Degory Priest
Thomas Williams
Gilbert Winslow
Edmund Margesson
Peter Browne
Richard Britteridge
George Soule
Richard Clarke
Richard Gardiner
John Allerton
Thomas English
Edward Doty
Edward Leicester

Why Were Puritan Town Meetings Significant?

by David Kenneth, Demand Media

Puritans sailed to the New World, beginning in 1630, with the intention of providing an example of what England should be. They thought English society had become too corrupt. In America, the Puritans settled in towns throughout what they called New England; these towns were the basis of their lives, which they lived with the goal of achieving spiritual purity. The town meetings provide early examples of many principles of government that would become part of the American tradition. Puritans allowed a few qualified people to handle the day-to-day affairs of the town. Wide voter participation points to a burgeoning democratic spirit. Last, though founded by a religious denomination, Puritan towns maintained a separation between church and state, and allowed people their freedom of religion.

Democracy

The American concept of democracy witnessed its first incarnation in Puritan New England. All male citizens participated in the town meetings that decided the rules for the community. Puritans wanted as many people as possible to participate in the civic process to encourage stability and respect for the law. The democratic town meeting also provided legitimacy to rules that some might otherwise have found unjust.

Selectmen

Though the town's males met regularly to discuss civic matters, the administrative functions rested in the hands of a few members. Known as selectmen, these leaders collected taxes, paid town bills and managed the schools. The selectmen were predecessors to the city managers and city councils now prevalent in American society.

Separation of Church and State

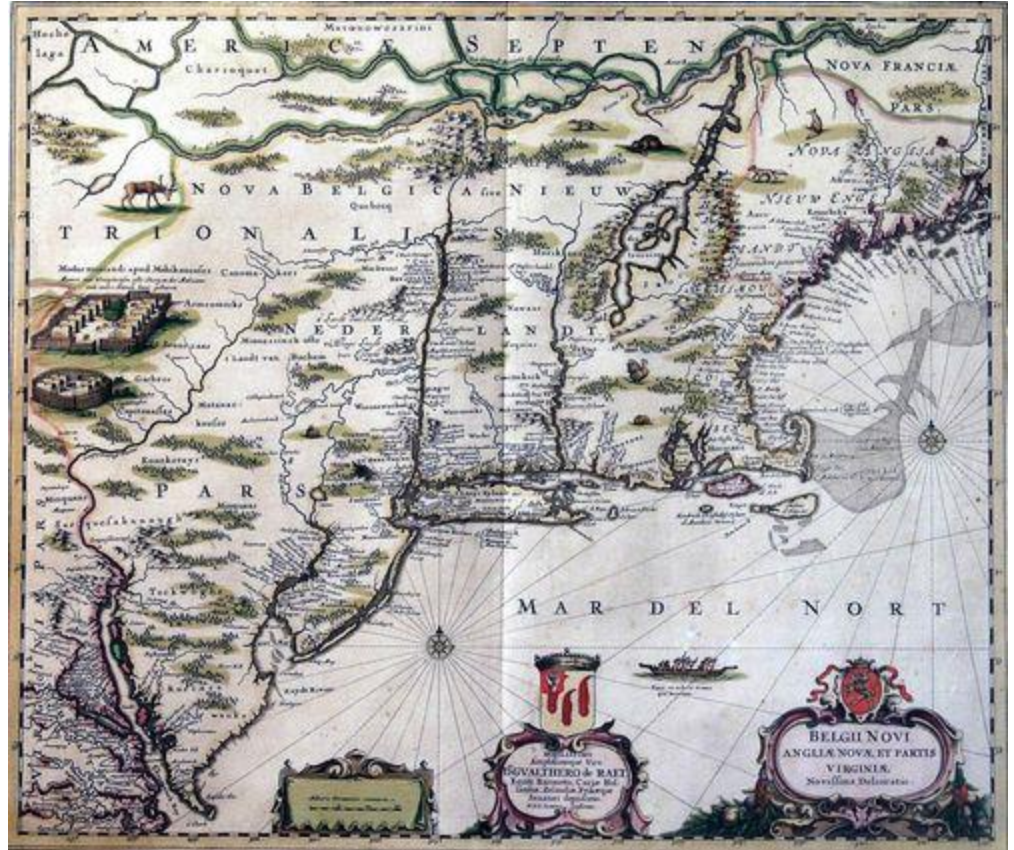
One of the central reasons for the Puritan departure from Europe was the overbearing nature of the Church of England, the national religion. In New England, the Puritans sought to instill a degree of separation between the church and the government. To accomplish this objective, Puritans created the concept of an independent town. The town itself would be a self-ruling unit of government, outside the purview of church authorities. All male residents, regardless of religion, met in the meetinghouse to handle town business.

Freedom of Religion

In conjunction with the separation of church and state, Puritans also demonstrated freedom of religion. There was no officially sanctioned religion. Likewise, town officials did nothing to hamper the faithful in their practice of religion. For example, along with civic affairs, the town meetinghouse was also the site of Puritan religious services. The term "meetinghouse" signifies the non-denominational nature of the building. Puritans held religious services on the premises, yet refused to refer to the site as a church, avoiding any explicit religious affiliation that might deter non-church members from civic participation.

New Netherland Right of Petition

This plate was engraved in 1650 based on a 1648 manuscript map that accompanied a 1649 petition on the New Netherland Commonalty delivered by Adriaen van der Donck to the States General (the governing body of the Dutch Republic). It urged the Dutch Republic to negotiate with England the exact borders between New Netherland and New England. Van der Donck's 1649 Remonstrance provided all the arguments for the defense of New Netherland's territorial integrity against New England's encroachment. He argued that the English "contrary to the law of nations, regardless of right or wrong invaded" New Netherland. He also called for a change in the North American based province's governance and demanded the recall of Peter Stuyvesant. The significance of this map lies in the fact that it illustrates a historic, momentous decision - the first exercise of an American's legal right to seek redress of a grievance to the highest governmental authority 143 years before ratification of that right in the First Amendment in the Bill of Rights. To control effectively the province, economic and political alliances with the natives were essential. The map, therefore, details all the known Indian tribes of New Netherland. This map is the second state, published about 1661 upon the 1660 knighting of De Raet to Baronet by Charles II of England. The 1650 plate was altered to include only De Raet's coat of arms. The map was later copied by



Nicholas Visscher (in 1651) who added a view of New Amsterdam - copied from a Joannes Blaeu engraving of 1650. Visscher's composite map was then newly engraved/copied by Hugo Allard and Justus Danckerts in the mid-1650's.

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"8) Belgii Novi, Angliae Novae Et Partis Virginiae, 1650 | The Maps of Bert Twaalfhoven." 8) Belgii Novi, Angliae Novae Et Partis Virginiae, 1650 | The Maps of Bert Twaalfhoven. New Netherlands Institute, n.d. Web. 22 July 2015. <<http://www.newnetherlandinstitute.org/history-and-heritage/digital-exhibitions/maps-of-the-bert-twaalfhoven-collection-at-fordham/the-maps/new-netherland-new-england-and-parts-of-virginia-1650/>>.

The Maryland Act of Toleration 1649

In the seventeenth century there was little religious freedom in England. Separation of church and state was unknown. In fact, the king was head of both the Church of England and the nation. Any subject of the King who did not follow Church of England beliefs and practices could be punished and deprived of the full exercise of his or her citizenship rights.

Many dissenters from the Church of England sought freedom to worship by emigrating to America. Though the English colonies in America still were under the King's authority, Englishmen across the seas enjoyed a greater freedom.



George Calvert was an Englishman who looked to America as a place of religious freedom. For years his family had to practice its Roman Catholic faith in secret while openly participating in the Church of England. Calvert sought a land grant in America and King Charles the First gave him a big chunk of territory.

Calvert's son Cecilius carried out his father's dream of establishing a colony in America as a refuge for Catholics. From its founding in 1634 Maryland allowed a greater than usual amount of freedom for both Catholics and Protestants.

With England in the hands of Puritans and Protestants beginning to outnumber Catholics in Maryland, the colony's legislature passed an Act of Toleration to ensure the religious liberty of Maryland's Catholics. The Toleration Act, passed on April 24, 1649, granted religious freedom to all who believed in the Trinity and that Jesus was the son of God. "...no person or persons whatever within this Province, or the islands, ports, harbors, creeks, or havens belonging to it, who professes to believe in Jesus Christ, shall from henceforth be any way troubled, harrassed or embarrassed for ...his or her [religion](#)..." [language modernized]

In addition, the law made it a crime to jeer at other believers by calling them names such as "papist," "heretic," or "Puritan." The death penalty could be meted out to anyone who denied the Trinity or reject Christ's sonship. Those who profaned Sunday by swearing excessively, becoming drunk or working unnecessarily could be fined. Anyone who spoke against the Virgin Mary could be fined and whipped.

Today the Toleration Act seems harsh and restrictive, but in its day it offered more religious freedom for the citizens of Maryland than for those in England and most of Britain's colonies. The Maryland Act of Toleration is an important stepping stone to the religious freedom which became such an important characteristic of the United States.

Resources:

1. Adapted from an earlier [Christian History](#) Institute story.
2. Wiersema, Garry. "An Act Concerning Religion." *The Maryland Toleration Act, 1649.* (<http://odur.let.rug.nl/~usa/D/1601-1650/maryland/mta.htm>).

The Fundamental Orders of Connecticut: Founding Document by a Founding Father



The Signing of the Fundamental Orders of the Constitution, 1638-39, by Albert Herter

Free men from three Connecticut towns – [Hartford](#), [Windsor](#) and [Wethersfield](#) – signed The Fundamental Orders on Jan. 14, 1638.

The Fundamental Orders of Connecticut is viewed as the first written constitution.

Some view it as the first written constitution, others as the first declaration of independence.

The Fundamental Orders was an extraordinary document written by [Roger Ludlow](#), a lawyer who had sailed to the Massachusetts Bay Colony from England in 1630. Nowhere did it mention a king or a sovereign. Nowhere did it refer to any power outside of Connecticut. It spells out individual rights and provides that all free men elect their representatives using paper ballots. It states the powers of the government and the limits of that power.

The previous spring, representatives from the three towns had held a general court at Hartford.

The meeting started with a powerful sermon by [the Rev. Thomas Hooker](#) who said 'the foundation of authority is laid in the free consent of the people.'

Connecticut had been governing itself since Hooker led a band of Puritans away from Massachusetts in 1636. The Fundamental Orders gave men more voting rights than they had in Massachusetts and allowed more men to run for office. That was pretty much the reason Hooker and his followers had left Massachusetts.

The Fundamental Orders were followed two years later by the [Massachusetts Body of Liberties](#). The two documents laid the foundation for the Bill of Rights in the U.S. Constitution.

Little is known of that meeting of the General Court in the spring of 1638; perhaps the participants kept the proceedings quiet because they feared retaliation. The outcome, however, was The Fundamental Orders. It is a short document, with 11 chapters and fewer than 2,000 words. [Thomas Welles](#), the colony's secretary, transcribed the document.